

PROB 12B
(07/06)

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Jermaine Carlos Diaz Case Number: 4:07CR00488-001

Name of Sentencing Judge: The Honorable David Hittner

Date of Original Sentence: April 14, 2008

Original Offense: Failure to register as a sex offender; 18 U.S.C. § 2250(a)

Original Sentence: 18 months imprisonment; Life supervision. \$100 special assessment. Special conditions: sex offender registration, sex offender treatment, no residing or working within 100 feet of places used by children under age of 18, no activities where children under the age of 18 congregate, shall not cohabitate with anyone who has children under the age of 18.

Type of Supervision: Supervised Release Date Supervision Commenced: March 6, 2009

EARLIER COURT ACTION

On August 26, 2011, a Report on Offender Under Supervision was submitted to the Court due to the offender being arrested for evading arrest with a motor vehicle. The Court concurred with the recommendation for no action due to the case pending in state court.

On May 1, 2012, a Report on Offender Under Supervision was submitted to the Court recommending no action on the above law violation due to the case being dismissed in state court due to lack of evidence. The Court concurred with the recommendation.

On March 11, 2013, a Report on Offender Under Supervision was submitted to the Court due to the offender being arrested for deadly conduct. The Court concurred with the recommendation for no action due to the case pending in state court. This case remained pending in Harris County Court at Law No. 012.

On June 17, 2013, a Request for Modifying the Conditions or Term of Supervision was submitted to the Court requesting the offenders conditions be modified to include home detention. The offender traveled out of district without prior permission from the probation office. The Court concurred with the recommendation of the probation office.

On September 6, 2013, a Report on Offender Under Supervision was submitted to the Court reporting the offense for deadly conduct was dismissed due to lack of evidence. It was recommended the Court take no action and the Court concurred with the recommendation.

Jermaine Carlos Diaz
Dkt. No.: 4:07CR00488-001
Page 2

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

COMMUNITY CONFINEMENT: The defendant is required to participate in a community treatment center, halfway house or similar facility for a period of up to six months, beginning at a time determined by the probation officer.

CAUSE

On October 24, 2014, in Broward County, Florida, Jermaine Carlos Diaz was charged with, Count 1: failure to register as a sex offender with the Florida Department of Highway Safety and Motor Vehicle, in violation of the State of Florida Sexual Offender State Law 943.0435(4) and 943.0435(9). According to the indictment, on or between April 22, 2014, and August 20, 2014, Mr. Diaz failed to report in person to a driver's license office and provide the required information within 48 hours after change in his permanent, temporary, or transient residence.

On October 24, 2014, in Broward County, Florida, Jermaine Carlos Diaz was charged with, Count 2: failure to register as a sex offender - leaving state, in violation of the State of Florida Sexual Offender State Law 943.0435(7) and 943.0435(9)(a). According to the indictment, on or between August 18, 2014, and August 20, 2014, Mr. Diaz failed to report in person to the Broward Sheriff's Office within 48 hours before the date he intended to leave the State of Florida to establish residence in another state or jurisdiction.

On October 23, 2014, Mr. Diaz reported to the probation officer he traveled to the State of Florida without prior permission on October 16, 2014. Mr. Diaz did not have prior permission from this officer to travel outside the district.


On October 24, 2014, a Capias warrant was issued by Broward County Sheriff's Office for Mr. Diaz arrest. On November 12, 2014, Mr. Diaz turned himself into the Broward County Sheriff's Office and was subsequently charged with under cause number 4-014317-CF10A. He posted a \$2,000 bond and was released on November 12, 2014. Mr. Diaz court date has not been scheduled at this time.

This probation officer respectfully recommends Mr. Diaz conditions be modified to include placement in a community confinement center for a period of up to six months. Placement in a confinement center will address Mr. Diaz leaving the district without prior permission from the probation office. It is recommended the Court take no adverse action on the law violations and allow Mr. Diaz to address his current charges in state court. The probation officer will continue to monitor the law violations and advise the Court once charges are adjudicated. It is respectfully requested the Court reserve the right to reconsider this violation, if future non-compliance continues.

Jermaine Carlos Diaz
Dkt. No.: 4:07CR00488-001
Page 3

Mr. Diaz was advised of his right to a hearing before this Court and assistance of counsel, appointed at no cost, if necessary, before agreeing to voluntarily waive said rights and agreeing to the modification of his conditions, pursuant to Rule 32.1(c)(2)(A). Mr. Diaz voluntary agreement reflected on the attached Probation Form 49 was signed by Mr. Diaz, and witnessed by this probation officer.

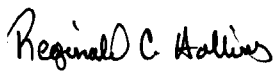
Approved:



Jorge Cuellar, Supervising
U.S. Probation Officer

Respectfully submitted:

by

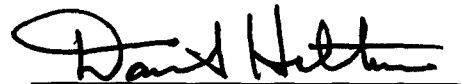


Reginald C. Hollins
U.S. Probation Officer
November 21, 2014

Name of Offender: Jermaine Carlos Diaz
Case Number: 4:07CR00488-001
Page Number: 4

THE COURT ORDERS:

- ☐ No Action
- ☐ Extended Supervision as Noted
- ☒ Modify Conditions as Noted
- ☐ Other:



David Hittner
U. S. District Judge

11/24/14

Date

PROB 49
(5/00)

RE: Jermaine Carlos Diaz
4:07CR00488-001

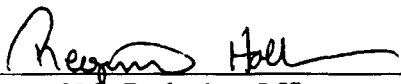
UNITED STATES DISTRICT COURT
for the
Southern District of Texas

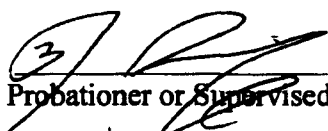
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or the proposed extension of my term of supervision:

COMMUNITY CONFINEMENT: The defendant is required to participate in a community treatment center, halfway house or similar facility for a period up to 6 months, beginning at a time determined by the probation officer.

Witness: 
U.S. Probation Officer

Signed 
Probationer or Supervised Releasee

Date: 11/18/14

Date: 11/18/14